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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	10/034,985
		Filing Date	December 21, 2001
		First Named Inventor	Jay M. SHORT
		Art Unit	1652
		Examiner Name	D. Ramirez
Total Number of Pages in This Submission	4	Attorney Docket Number	564462001811

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (1 page) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notification of Loss of Entitlement to Small Entity Status (2 pages)
Remarks		CUSTOMER NO.: 45975

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	MORRISON & FOERSTER LLP		
Signature	/Gregory P. Einhorn/		
Printed name	Gregory P. Einhorn		
Date	December 17, 2007	Reg. No.	38,440

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2008</h3>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/034,985
		Filing Date	December 21, 2001
		First Named Inventor	Jay M. SHORT
		Examiner Name	D. Ramirez
		Art Unit	1652
TOTAL AMOUNT OF PAYMENT		(\$) 1,413.00	Attorney Docket No. 564462001811

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 03-1952 Deposit Account Name: Morrison & Foerster LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17	<input checked="" type="checkbox"/> Credit any overpayments

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Small Entity		Small Entity		Small Entity		
Application Type	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____
							Small Entity
							Fee (\$)
2. EXCESS CLAIM FEES							Fee (\$)
Fee Description							Fee (\$)
Each claim over 20 (including Reissues)							50 25
Each independent claim over 3 (including Reissues)							210 105
Multiple dependent claims							370 185
Total Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	
_____		_____		_____		_____	
HP = highest number of total claims paid for, if greater than 20.		_____		_____		_____	
Indep. Claims		Extra Claims		Fee (\$)		Fee Paid (\$)	
_____		_____		_____		_____	
HP = highest number of independent claims paid for, if greater than 3.		_____		_____		_____	
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets		Extra Sheets		Number of each additional 50 or fraction thereof		Fee (\$)	
_____		_____		_____		_____	
- 100 = _____		/50 = _____		(round up to a whole number) x _____		= _____	
							Fees Paid (\$)
4. OTHER FEE(S)							Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)							_____
Other (e.g., late filing surcharge): Large Entity deficiency fee payments. Please see attached Notice of Loss of Entitlement to Small Entity Status							\$1,413.00

SUBMITTED BY			
Signature	/Gregory P. Einhorn/	Registration No. (Attorney/Agent)	38,440
Telephone	(858) 720-5133		
Name (Print/Type)	Gregory P. Einhorn		
Date	December 17, 2007		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jay M. SHORT

Application No.: 10/034,985

Filed: December 21, 2001

For: RECOMBINANT BACTERIAL PHYTASES
AND USES THEREOF

Confirmation No.: 9024

Art Unit: 1652

Examiner: D. Ramirez

**NOTIFICATION OF LOSS OF ENTITLEMENT
TO SMALL ENTITY STATUS UNDER 37 CFR § 1.28(c)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Diversa Corporation, hereby notifies the Patent and Trademark Office that it is not entitled to status as a small entity and the claim for small entity status filed by Applicant is hereby withdrawn.

Following is a chart showing the fees as paid and the deficiency owed, and Applicant encloses herewith Fee Transmittal SB/17 in payment of the additional fees due.

Type of Fee	Fees Paid	Large Entity Fee	Deficiency Owed
Basic Filing Fee – Utility	370.00	810.00	440.00
Late Surcharge for Missing Part	65.00	130.00	65.00
14 Additional Claims	126.00	700.00	574.00
2 Additional Ind. Claims	86.00	420.00	334.00
Total Fees Due:			\$1,413.00

Please charge **Deposit Account No. 03-1952** in the amount of \$1,413.00, referencing Docket No. 564462001811.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 564462001811.

Dated: December 17, 2007

Respectfully submitted,

By: /Gregory P. Einhorn/

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Registration No.: 38,440

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